

**REMARKS/ARGUMENTS**

Applicant acknowledges receipt of the above-reference Office Action and traverses the rejections therein in their entirety for at least the reasons set forth below. Claims 1-8, 10-19 are currently pending, Claim 9 having been previously canceled. Claims 1, 10, and 12 are amended herein. The Examiner indicated that Claims 5 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, and Applicant thanks the Examiner for so indicating.

**Rejections Under 35 U.S.C. §112**

The Examiner rejected Claims 1 through 8 and 10 through 19 under 3 U.S.C. §112, second paragraph. Applicant's amendments having rendered the Examiner's rejection moot, Applicant respectfully requests that the Examiner withdraw the rejection.

**Rejections Under 35 U.S.C. §102(b)**

The Examiner rejected Claims 1-3, 6, 14-15, and 19 under 35 U.S.C. §102(b) as being anticipated by Oyaba et al, U.S. Patent No. 4,991,687 ("Oyaba"). Applicant respectfully traverses the rejection in its entirety because, *inter alia*, Oyaba does not disclose all elements of Applicant's claimed invention. The Court of Appeals for the Federal Circuit has consistently held that "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick, 221 USPQ 481, 485 (Fed. Cir. 1984), and as the Examiner admits, Oyaba does not teach or suggest each and every element of Applicant's claimed invention. Oyaba describes the use of "a pair of low frequency range speakers...L1 and Lr...disposed side by side, and supplied signals through a low pass filter (not shown). The low pass filter attenuates the signal level in such a way that the sound pressure is decreased by 6 dB at a division frequency  $f_c$  (at which the entire reproduction frequency range is divided into a high frequency range and a low frequency range)... A pair of high frequency range speakers...H1 and Hr are disposed with a space...between or in the middle of the aforementioned low-range speakers L1 and Lr. Signals are supplied to the high-range speakers H1 and Hr through a high pass filter (not shown) which attenuates the signal level in such a way that the sound pressure is decreased by 6dB at the frequency  $f_c$ ...". Oyaba clearly discloses that the high frequency range speakers and the low frequency range speakers only receive, at most, a single frequency,  $f_c$ , at a common level of attenuation. By contrast, as recited in Applicant's Claim 1, the first frequency

band, which is received by the first pair of drivers, and the second frequency band, which is received by the second pair of drivers, comprise a common frequency band (i.e. plurality of frequencies) at a common level of attenuation (i.e., all frequencies within the common frequency band, as received by the first pair of drivers and the second pair of drivers, are attenuated to the same level). Oyaba clearly fails to teach or suggest all elements of Applicant's Claims 1-3, 6, 14-15, and 19, and Applicant respectfully requests that the Examiner withdraw the rejection.

**Rejections Under 35 U.S.C. §103(a)**

Claims 4, 8, 12, 13, 16, and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Oyaba, in further view of U.S. patent No. 5,359,664 to Steuben ("Steuben"). Applicant respectfully traverses the rejection. Claim 4 indirectly depends from independent Claim 1 and Claim 16 indirectly depends from Claim 14. Applicant respectfully asserts that Claims 4 and 16 are patentable for at least the reasons set forth above with respect to the independent claims from which they depend. In rejecting Claim 8, the Examiner referred to the arguments set forth in the Office Action with respect to Claim 4. Applicant respectfully asserts that Claim 8 is patentable for at least the reasons set forth above with respect to Claim 4. Claims 12 and 13 depend from Claim 8, and Applicant asserts that these claims are patentable for at least the reasons set forth above with respect to Claim 8. Claims 16 and 18 depend from Claim 14, and Applicant asserts that these claims are patentable for at least the reasons set forth above with respect to Claim 14.

Claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over Oyaba in view of U.S. Patent No. 6,128,395 to DeVries ("DeVries"). Applicant respectfully traverses the rejection. Claim 7 depends from Claim 1, and Applicant respectfully asserts that Claim 7 is patentable for at least the reasons set forth above with respect to Claim 1.

Claim 10 is rejected under 35 U.S.C. §103(a) as being unpatentable over Oyaba in view of Steuben, and further in view of U.S. Patent No. 5,568,560 to Combust ("Combust"). Applicant respectfully traverses the rejection. Claim 10 depends from Claim 8, and Applicant respectfully asserts that Claim 10 is patentable for at least the reasons set forth above with respect to Claim 8.

Claim 11 is rejected under 35 U.S.C. §103(a) as being unpatentable over Oyaba in view of Steuben and further in view of DeVries. Applicant respectfully traverses the rejection. Claim

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11 depends from Claim 8, and Applicant respectfully asserts that Claim 11 is patentable for at least the reasons set forth above with respect to Claim 8.

**CONCLUSION**

Having responded to all objections and rejections set forth in the outstanding Office Action, it is submitted that the currently pending claims are in condition for allowance and Notice to that effect is respectfully solicited. In the event that the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is courteously requested to contact applicant's undersigned representative.

Respectfully submitted,

/ James E. Goepel /

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